

Appendices

The appendices attached to this Record of Decision, as identified in the list below, should be considered part of the decision. There is no Appendix K. Appendix L is a revision of Appendix L from Vol. 2 of the FEIS because it focuses the decision for each allotment.

- A - Errata sheet for FEIS
- B - References
- C - Documentation of consultation with National Marine Fisheries Service and US Fish and Wildlife Service concerning Threatened or Endangered Species
- D - Comment letter from the Environmental Protection Agency concerning draft FEIS that was omitted from FEIS
- E - Monitoring Plan
- F - Lands suitable for acquisition
- G - Water Quality Restoration Plan
- H - Limits of Acceptable Change
- I - Campsites with Grazing exclusions
- J - Recreation sites to be Withdrawn from Mineral Entry
- L - Grazing Decisions by Allotment

APPENDIX A

John Day River Management Plan - Errata

VOLUME I

page vii - Table S-1, Commercial Use, Key Elements: omit "**No limit on # of outfitter guide permits.**"

Page xv - Table S-3, Summary of Direct Impacts, under Grazing Issue, Management in WSR Grazing Excluded, Alternative A, **Present** Public and Private (miles of riverbank) should read **41.7** for Public and **50.9** for Private.

Page 27 - Third paragraph, end of last sentence, prior to (see Figure 2A) insert (**USDI-USGS 2000a**). Figure II-A: The title for this figure should read, "**John Day River Hydrograph (1989-1998) at McDonald Ferry, Oregon**"

Page 42 - Energy and Minerals: Agencies Regulating Mining; end of first paragraph, insert the following: "**In addition, to operate a mine on any land in Oregon, the claimant must obtain an operating permit from Mined Land Reclamation Program, Oregon Department of Geology and Mineral Industries if over 5,000 cubic yards is moved, or over one acre is disturbed within a 12 month period. They must also obtain a reclamation bond from Mined Land Reclamation Program, Oregon Department of Geology and Mineral Industries**"; the beginning sentence of the third paragraph under this heading should read, "The Oregon Division of State Lands (ODSL) issues prospecting permits for exploration and mining activities **on state lands and the beds and banks of waterways.**"

Page 44 - Caves, first paragraph, end of third sentence, reference to 36 CFR should read, "**....36 CFR, Part 290.3 (c) and (d).**"

Page 51 - Consumptive Use, after fifth (last) paragraph, add the following:
Withdrawals and Reservations Under Public Water Reserve No. 107

Springs in the planning area can qualify as a Public Water Reserve No. 107 if they meet the criteria for that reservation. In 1926, President Calvin Coolidge signed an executive order entitled "Public Water Reserve No. 107". The order states that "every smallest legal subdivision of public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole... be...withdrawn from settlement, location, sale or entry, and reserved for public use...".

Public Water Reserve 107 was a general withdrawal of public lands made in response to the fact that, prior to that time, effective control over vast areas of the public domain could be gained merely by securing patents to small tracts surrounding available water sources for a given area. The 1926 reservation was designed to prevent this private monopolization of water on the public domain by withdrawing land and maintaining water open and free for the public use.

With the enactment of FLPMA in 1976, Congress limited the authority of the Executive Branch to make future withdrawals of land from the public domain. However, FLPMA stipulated that withdrawals and reservations existing at the time of its enactment shall

remain in effect. Therefore, even today the BLM can assert its PWR 107 claims and reserve and withdraw certain springs and waterholes from the public domain. The priority date of this reservation is April 17, 1926, the day the Executive Order was signed.

Because the 1926 Executive Order did not provide for individual land descriptions, it was left to the Secretary of the Interior to identify land and water areas subject to the order and note the land office records accordingly. Therefore, all springs and water holes that qualify as a Public Water Reserve No. 107 that existed as of the date of the Executive Order April 26, 1926 have been reserved even though they have not been recorded on a Master Title Plat or other document. However, Public Water Reserve No. 107 does not apply to lands acquired after April 17, 1926.

To date, no determination of which springs in the planning area qualify as a Public Water Reserve No. 107 has been made. We estimate that the amount of water encompassed by this Federal reserved water right is minimal (less than 1 cfs).

Page 52 - State and Federal Recommended Flows, replace second paragraph with the following:

Two types of water rights exist on the public lands: federal water rights, which consist of reserved water rights that originate under Federal law; and water rights which are acquired pursuant to State water law. Federal reserved water rights are a judicial creation; they are derived from Federal, not state, law. The doctrine of reserved rights holds: "That when the Federal Government withdraws its lands from the public domain and reserves it for a federal purpose, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation. In doing so the United States acquires a reserved water right in unappropriated water which vests on the date of the reservation and is superior to the rights of future appropriators" (*Cappaert v. United States*, 1976). Thus, on withdrawn lands the reserved rights doctrine allows the federal government to remove water from availability for appropriation under state law.

The amount of water that the United States can claim under reserved rights depends on the purposes for which the lands were reserved. The reserved right must relate to the original primary purposes for which the land was withdrawn, and it is limited to the amount of water necessary for the reservation's specific purposes. The priority date for a federal reserved water right for the purposes of determining seniority relative to other rights obtained under state or federal law is the date when a reservation is established—the date of the statute, executive order, agreement, or treaty setting aside the land. Water rights already existing on a stream when a reservation is established are superior to the reserved rights of the federal government; federal reserved rights are superior only to subsequently established rights. This greatly limits the federal government's rights for newer reservations on heavily or fully appropriated streams, but it does provide protection against future uses.

The designation of a river as a wild, scenic or recreational river under the Wild and Scenic Rivers Act of October 2, 1968 explicitly reserves sufficient unappropriated water to fulfill the purposes of the Act. The amount of water reserved is the minimum amount necessary to protect the particular aesthetic, recreational, scientific, biotic or historic features ("values") which led to the river's designation. The amount of flow reserved will vary on a case-by-case basis. Segments of the John Day river system were designated by the Congress in 1988.

Page 54 - reference to (Collette and Harrison 1992a,b) has also been cited as (Northwest Power Planning Council 1992) in different places in the document. They are one in the same.

Page 55 - Third paragraph, end of last sentence, Unterwagner reference should read, **(ODFW 1999)**.

Page 61 - Noxious Weeds, first paragraph, fourth sentence, complete sentence with **"are affected by noxious weeds."**

Page 76 - Water Quantity and Water Quality, second paragraph, delete second and third sentences and insert the following, **"The 11 instantaneous measurements for June averaged 66° F. According to 18 afternoon measurements, the average daily afternoon water temperature was about 75° F in July and August."**

Page 83 - Water Quantity and Water Quality, second paragraph, delete last sentence and insert the following, **"Eleven instantaneous water measurements (1985-1998) averaged 66° F. Based on 18 afternoon measurements, the average daily afternoon water temperature was about 75° F in July and August (Cude 2000)."**

Page 91 - Water Quantity and Water Quality, second paragraph, end of third sentence, USGS reference should read, **(USDI-USGS 1998)**.

Page 92 - Water Quantity and Water Quality, first paragraph, delete seventh sentence to end of paragraph. In its place, insert **"The 13 instantaneous measurements for June averaged 64° F. Service Creek during July and August averaged 23 C (73.4°F), and temperatures of samples taken at Cottonwood Bridge about two hours later in the day averaged 24 C (75°F) for the same dates (Cude 2000 - 20 data points 1981-1998). During the summer months, there is very little input of water into the system between Service Creek and McDonald Crossing, so decreases in temperature within stream are not likely below Service Creek"**.

Page 99 - Water Quantity and Water Quality, second paragraph, end of third sentence, insert **(USDI-USGS 1999)**.

Page 107 - Water Quantity and Quality, second paragraph, second sentence, USGS citation should read **(USDI-USGS 1999)**; and fourth paragraph, second sentence, reference to the North Fork Agricultural WQMP should be cited as **(ODA 2000)**.

Page 122 - Segment 10: South Fork, Land Ownership and Classification, second paragraph, first sentence should read, "Most of this segment...is included in the federally designated **South** Fork of the John Day Wild and Scenic River..."

Page 143 - First full paragraph should be deleted and replaced with the following: Protection of instream flows in the John Day River system will rely, in part, on existing instream water rights that have been issued by the State of Oregon for some segments. These rights are subject to senior priority appropriations and do not actually ensure that flows are sufficient to support the Outstandingly Remarkable Values. When flows are available, however, existing instream rights protect that flow from junior priority consumptive use. The Oregon Water Resources Department has identified desired flow levels to protect recreation, fish, and wildlife in the John Day River and its forks. These flow levels are not water rights; rather, the OWRD uses them in its calculations of water availability during low flows.

The BLM will use a variety of tools, authorities and strategies to achieve instream flow levels that support the river values. These tools include: leasing (in the short term) and transferring existing BLM consumptive use rights to instream uses (in the long term); entering cooperative agreements with the State of Oregon and other agencies for the purchase of water rights from willing sellers for transfer to instream uses; and, if these other tools are not effective, quantification and assertion of the BLM's Federal reserved water right.

Page 150 - Table 3-D. Issue - Dispersed Recreation, Alternative B, C, and D, Segment 2, omit the word "**Creek**" after Clarno.

Page 152 - Table 3-D. Issue - Commercial Use, Alternative B, **omit statement number 4 and change number 5 to number 4.**

Pages 155-156 - Noxious Weed Control, throughout this highlighted section, references should be cited accordingly: Northwest Area Noxious Weed Control Program FEIS (**USDI-BLM 1985b**); Northwest Area Noxious Weed Control Program Supplement (**USDI-BLM 1987a**); Vegetation Treatment on BLM Lands in Thirteen Western States FEIS (**USDI-BLM 1991c**); EA #OR-053-3-062 (**USDI-BLM 1994**); EA #OR-054-3-063 (**USDI-BLM 1997b**).

Page 169 - Table 3-E. Segment 11, 4067 Sheep Ck. B, Riparian Grazing Mgt., **omit the numbers 3 and 5**

Page 170 - Alternative B (Proposed Decision), Measure 1, end of second sentence, insert (**USDI-USGS 2000b**).

Page 171 - Last paragraph, fourth sentence, delete "Following three years rest,...", **begin** sentence with "**Grazing in the new riparian pasture...**".

Page 175 - Management Common to All Action Alternatives, first paragraph, second to last sentence, legal descriptions should read "...**RM 112; T8S, R19E, Section 3, NE1/4SW1/4 and Section 4, NW1/4SE1/4 (15.3 acres) and RM 119; T8S, R19E, Section 25, SW1/4NW1/4 (10.3 acres).**"

Page 182 - Dispersed Recreation, the first occurrence of **Common to All Alternatives (Proposed Decision)** and all associated text should be moved to occur before Alternative A. The second occurrence of Common to All Alternatives should read, **Common to All Action Alternatives (Proposed Decision).**

Page 184 - Public Access, the second occurrence of the heading Common to All Alternatives should read "**Common to All Action Alternatives (Proposed Decision).**"

Page 185 - Commercial Uses, immediately after the first occurrence of the heading Common to All Alternatives **insert (Proposed Decision).** The second occurrence of the heading Common to All Alternatives should read, **Common to All Action Alternatives (Proposed Decision).** In the second paragraph after this last heading, **delete the last sentence.**

Page 186 - Alternative B (Proposed Decision), last paragraph, last sentence, reference to USDA-FS should be cited as (**USDA-FS 1997**).

Page 187 - Leasable Minerals, first paragraph, second sentence should read, "In the Two Rivers RMP..."

Page 187 - Alternative B (Proposed Decision), Replace 1. With the following:
1. The John Day and Baker RMP's would be amended by subjecting leasable minerals on public lands falling within the John Day River Canyon to a no surface occupancy restriction (remaining portions of planning area already have this restriction under the Two Rivers RMP). This applies to Segments 5, 6, 7, 8, 9, 10, 11, and the Grant County portion of Segment 4 for the John Day RMP and to the Umatilla County portion of Segment 7 for the Baker RMP.

Page 217 - Noxious Weed Control, first paragraph, references to EA OR-053-3-062 should read **(USDI-BLM 1994)**, EA OR-054-3-063 should read **(USDI-BLM 1997b)**, Northwest Area Noxious Weed Control FEIS should read **(USDI-BLM 1985)**, Supplemental FEIS should read **(USDI-BLM 1987)** and Vegetation Treatment on BLM Lands FEIS should read **(USDI-BLM 1991c)**.

Page 241 - Riparian and Aquatic Habitat Restoration, fourth paragraph, third sentence, citation of BLM 1996a should read **USDI-BLM 1996a** and **insert a period** after the parentheses.

Page 246 - Boating Use Levels, Alternative C, insert the word **"be"** between the words would and small.

Page 361 - Oregon Parks and Recreation Department reference should extend to left margin.

Page 365 - References, Steward, O.C. should read **Stewart**, O.C.

Page 367 - reference USDI-BLM 1994, **delete** "District-Wide Interim..." and **insert** "Prineville District Integrated...".

Page 368 - reference USDI-BLM 1997b, should read **"Lower John Day River Integrated Weed Management Environmental Assessment/Decision Record #OR-054-3-063"**.

VOLUME II

Page 11 - Appendix E, Special Status Wildlife Species, the columns for Columbian Sharp-tailed Grouse and Washington Ground Squirrel have shifted to the right.

Page 175 - 2656 Dry Knob, **omit** "Special Seasonal Limitation..." statement at bottom of page.

Page 197 - Appendix L, AUM's Within Lease, should read **436**, not 7,698.

Page 234 - Appendix L, Allotment Summary, 4122 Big Bend, Riparian management in 1999, should read, **"Exclusion"**

Page 240 - **Omit** allotment 4046 Three Mile, it is no longer a BLM allotment due to the Northeast Oregon Assembled Land Exchange.

VOLUME III

Page ii - Contents, 2400 Public Access, 2502, should read, **"Limits** of Acceptable Change"

Page 16 - S-026.3, second response, third sentence, **insert** the word **"not"** between the words 'will' and 'seriously'.

Page 18 - J-002.7, Response, the reference to the (Northwest Area Noxious Weed Control Program Supplemental FEIS, 1987) should read **(USDI, BLM 1987)**.

Page 34 - B-042.1, Response, second paragraph, the Northwest Area Noxious Weed Control Program Supplemental FEIS (1987) should be referenced as **(USDI, BLM 1987)** and the Northwest Area Noxious Weed Control Program FEIS (1985) should be referenced as **(USDI, BLM 1985b)**.

Page 34 - B-042.1, Response, fourth paragraph, the Stohlgren reference should be cited **Stohlgren et al. (1999a)**.

Page 36 - B-042.3, Response, EA #OR-054-3-063 should be referenced as **(USDI, BLM 1997b)** and EA # OR-053-3-062 should be referenced as **(USDI, BLM 1994)**.

Page 72 - B-042.6, second response, first paragraph, the citation for (USDA, 1977) should be referenced as **(USDA, SCS and OAES, 1977)**.

Page 74 - B-042.6, Response, third paragraph, first sentence, insert **1985** after Bohn and Buckhouse reference.

Page 75 - B-042.6, Response, end of paragraph at top of page, citation should read **(Buckhouse, 2000)**. Likewise, in the second full paragraph, the reference to the personal communication should read **(Buckhouse, 2000)**.

Page 80 - B-042.22, Response, second sentence, reference to Larson and others (1998) should read **Larson et al. (1998)**.

Page 96 - Reference to Stohlgren et al. (1999) should read **Stohlgren et al. (1999a)**

Page 99 - F-006.4, Response, second paragraph, references to 'Managing Change' should be cited as **Chaney et al. 1993**.

Page 101 - H-032.1, Response, second paragraph, reference to 'Managing Change' should be cited as **Chaney et al. 1993**.

Page 102 - K-021.6, Response, second paragraph, citation CRITFC 1995 should read **CRITFC 1996**.

Page 131 - C-038.12, Response, first paragraph, references in this paragraph should be cited as follows: EA's (OR-054-3-063) should read **(USDI, BLM 1997b)** and (OR-053-3-062) should read **(USDI, BLM 1994)**. The Vegetation Treatment on BLM Lands in Thirteen Western States FEIS reference should be cited as **(USDI, BLM 1991c)** and The Northwest Area Noxious Weed Control Program FEIS should be cited as **(USDI, BLM 1985b)**.

Page 136 - B-042.12, Response, second paragraph, references to EA OR-053-3-062 and EA OR-054-3-063, should be cited as **USDI, BLM 1994** and **USDI, BLM 1997b**, respectively. The Vegetation Treatment on BLM Lands FEIS should be cited as **(USDI, BLM 1991c)** and Northwest Area Noxious Weed FEIS should be cited as **(USDI, BLM 1987)**. In the third paragraph, EA OR-053-3-062 should be cited as **(USDI, BLM 1991c)**, Vegetation Treatment in Thirteen Western States FEIS (1997) should be cited as **(USDI, BLM 1997b)**, and the Northwest Area Noxious Weed FEIS (1987) should be cited as **(USDI, BLM 1987)**.

Page 152 - 2502, should read, "**Limits** of Acceptable Change"

Page 176 - C-029.8, Response, **omit** the sentence, "Wilderness Study Areas (WSAs) are closed to all motorized and mechanized use."

Page 184 - A-007.5, Response, last paragraph, end of sentence, **insert “the”** between the words on and John Day River.

Page 209 - B-042.5, Response, first paragraph, fifth sentence, **insert “not”** between the words ‘will’ and ‘be’; second paragraph, **insert “of”** between efforts and private landowners.

Page 226 - 3003 Affected Environment, B-042.4, Response, third paragraph, **delete all but first sentence**, indented statement.

Page 227 - B-042.4, Response at top of page, first paragraph, sixth sentence, reference to the Willow Study (BLM 1996a) should correctly be cited as **(USDI, BLM 1996a)**. Response at bottom of page, first paragraph, reference to EA OR-054-3-063 should be cited as **(USDI, BLM 1997b)** and EA OR-053-3-062 should be cited as **(USDI, BLM 1994)**.

Page 230 - B-042.4, Response, beginning of reference listing, insert **1995** after Belnap, J. and K.T. Harper. At end of page, **capitalize A** in Arbelbide.

Page 231 - The paragraph beginning with “Upland Vegetation” is a comment and should be indented and italicized.

APPENDIX B

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APPENDIX C

John Day River Management Plan ESA Consultation Summary

1. AQUATIC SPECIES

Mid-Columbia Steelhead - The following consultations have been completed with NMFS

- a. Endangered Species Act - Section 7 Consultation Biological Opinion Ongoing and Proposed Bureau of Land Management Activities Affecting Middle Columbia River Steelhead, John Day River Basin. Dated: November 30, 1999.
- b. Section 7 Informal Consultation on Ongoing and Proposed Actions in the Central Oregon Resource Area, Prineville District, Bureau of Land Management, John Day River Basin. Dated: June 28, 2000.
- c. Endangered Species Act - Section 7 Consultation Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Consultation, Livestock Grazing on Lands Administered by the Bureau of Land Management in the John Day River Basin, Oregon 2000 & 2001. Dated: January 17, 2001.
- d. Endangered Species Act - Section 7 Informal Consultation and Magnuson-Stevens Act Essential Fish Habitat Consultation for the John Day River Proposed Management Plan, John Day River Basin, Prineville District Office, BLM. Dated: February 16, 2001.

Bull Trout - The following consultation has been completed with USFWS

- a. Informal Consultation on Proposed Grazing and Timber Harvest Activities in the Middle Fork and Upper John Day River Subbasins, Oregon. Dated: July 12, 1999.
- b. Formal Consultation for Ongoing Activities on the North Fork John Day River (1-7-00-F-422) [Grazing - Vale District]. Dated: June 12, 2000.
- c. Formal Consultation for Ongoing Activities on the North Fork John Day River (1-7-01-F-281) [Grazing - Prineville District]. Dated: February 26, 2001.
- d. John Day River Management Plan Section 7 Consultation [1-7-10-I-254(01)]. Dated: February 27, 2001.
- e. Consultation for Activities in the John Day River Basin (1-7-01-TA-311). Dated: February 27, 2001.

2. TERRESTRIAL SPECIES

- a. Wildlife Assessment for Listed, Proposed, and Special Status Species for the John Day River Management Plan and Environmental Impact Statement. Dated: August 29, 2000.

APPENDIX D

EPA Comments and Responses



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

November 15, 2000

Reply To
Attn Of: ECO-088

Mr. Dan Wood
Bureau of Land Management
Prineville District Office
P.O. Box 550
Prineville, Oregon 97754

Dear Mr. Wood:

The Environmental Protection Agency has reviewed the John Day River Proposed Management Plan, Two Rivers and John Day Resource Management Plan Amendments and Final Environmental Impact Statement (FEIS). We would like to offer comments as a follow-up to those we made on the Draft EIS and to our site visit with your staff.

We appreciate the work of your staff in revising the EIS. We understand that it was a great deal of work, and it has made a difference in terms of the document's clarity and content. The additions pertaining to water quality are particularly helpful in laying the groundwork for developing a Water Quality Restoration Plan and future TMDL. We want to thank you for your responsiveness and for your intentions to fully cooperate with ODEQ to improve water quality.

We are also encouraged to see modifications to proposed decisions that are responsive to some of the comments made by EPA and others. We have noted the changes regarding water quality and water quantity within the FEIS Volume 1, although we did not find any EPA comments/responses in Volume 3, Summary of Public Comments and Responses; please advise if we have overlooked them. Thus, for our comments on other subjects, we derived your responses from those prepared in reply to other parties in Volume 3, as well as from the review of Volume 1. We have a few remaining comments and, as can be expected, some of the changes have stimulated new questions. Briefly, we'd like to share the following:

Desired conditions. Criteria for assessing the health or condition of some resources are ambiguous. For example, there are no criteria listed for evaluating the condition/level of protection for paleontological resources or cultural resources. What specifically will trigger action to increase protection?

For microbiotic crusts, the FEIS (p. 137) states that "large portions of the landscape" should have biological soil crusts, and litter. How much or what percentage of the landscape should support these features, and what will define an unacceptable condition that stimulates further management action? What mitigation measures are feasible for damages to microbiotic crusts (FEIS, p. 230)?

Agriculture. We commend BLM for the proposed decision to terminate irrigation for ag lands owned and managed by BLM, and we support the proposed decision to phase out commodity production on BLM ag lands. Both of these actions should contribute in a positive way to water quantity and water quality in the John Day River.

Grazing. The proposed decisions with respect to grazing rely heavily on the expectation by BLM that cool season grazing (winter/spring) is essentially equivalent to rest from grazing in terms of fostering vegetative recovery in riparian areas. To test this, we are pleased that BLM intends to monitor areas rested from grazing with those that are grazed in winter/spring. Where and to what extent will exclusion of grazing be implemented to compare differences in results, and when, how, and with whom will the results of the comparison be shared? We would like to be informed of the outcomes.

It appears that the timeframe for making assessments of the efficacy of cool season grazing prescriptions, and consequently for making needed adjustments is quite long (mid-term determinations of 3 and 7 years for winter grazed pastures, and years 5-6 for spring-grazed pastures, FEIS p. 196). Thus, it appears that any decision to adopt complete rest from grazing, should it be necessary to enable acceptable recovery, would not likely occur until at least 14 and 12 years respectively. Given the condition of areas within the WSR corridor that have historically suffered from improper grazing practices, it seems a long time to wait to make needed adjustments.

On page 243 of the FEIS, BLM advocates active management for grazing as opposed to elimination of grazing based on their theory that land management partners and neighbors will be positively influenced by BLM's efforts and level of success. This rationale seems reasonable, and it offers a theory that may be worth testing. Would BLM be willing to monitor or report on change (human behavioral change as well as environmental change) within the corridor to validate this view?

The focus of recovery appears to be centered upon vegetative recovery, which does not fully account for other related impacts due to grazing, such as impacts to wildlife. Installation of additional fencing can result in wildlife collisions, entanglements, and entrapments (FEIS p. 233). Soil disturbance can impact amphibians, reptiles, and small mammals, which depend upon subterranean habitats. With the application of spring grazing, ground nesting birds and other species are affected at the time of year when they are most vulnerable to disturbance, trampling, and loss of vegetation that provides hiding cover. In order to protect the Outstanding Resource Values (ORVs) in the John Day corridor, it will be necessary to evaluate grazing impacts and recovery with respect to all of the ORVs and their supporting factors that can be affected by grazing cattle.

The FEIS also proposes a 2000 cfs grazing restriction. There is no explanation as to how the BLM arrived at this flow level as an effective grazing restriction, and there is no description of the flows at 2000 cfs that would characterize the advantages of using it. In order to evaluate the potential effectiveness of the 2000 cfs restriction, it is important to describe what the river flows tend to be on a calendar-year basis. To what extent do river flows fluctuate above and below this level, and at what times of the year? On page 245 of the FEIS, BLM states that the "John Day River is subject to dramatic fluctuations in flow from year to year, season to season, and even day to day." If fluctuations are so frequent and dramatic, how will grazing be effectively managed to respond to these fluctuations?

BLM also proposes to eliminate the 2000 cfs restrictions if winter grazing evaluations indicate that [grazing] standards are being met. If this restriction enables standards to be met, why eliminate it? Wouldn't evidence of recovery be a good reason to continue the restriction as long as it was, in fact, instrumental in achieving recovery?

In Segment 1, BLM proposes to establish new riparian grazing pastures (FEIS p. 171). Why institute new grazing in a Wild and Scenic River corridor that is in need of recovery and protection?

Finally, the FEIS indicates that funding is assumed to continue similar to current levels (FEIS, p. 194). We are concerned that the BLM may not have the resources necessary to adequately implement and monitor compliance with all prescriptions on the 122 allotments within the John Day WSR

corridor, as well as their work outside the corridor. What measures will be taken to ensure implementation and enforcement?

Tribal trust responsibility, ESA compliance. Because this has been a collaborative planning process involving several agencies and tribes, we ask that BLM include in the Record of Decision (ROD) the views of the Tribes and other planning partners with respect to the decisions being made. We urge BLM to fully factor the Tribal interests and treaty rights into the decision making process, and to document the roles of the planning partners as co-managers of the WSR corridor. We also ask that the results of consultation with the Services be included in the ROD with respect to ESA listed species that are directly or indirectly affected by this plan.

Again, we would like to thank the BLM for their work on the John Day Wild and Scenic River Management Plan, and encourage the agency to continue to work collaboratively with management partners to successfully protect and restore the outstandingly remarkable resource values in this important watershed. If you would like to discuss these comments, please contact Elaine Somers of my staff at 206/553-2966.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard B. Parkin". The signature is fluid and cursive, with the first name "Richard" being more prominent.

Richard B. Parkin, Manager
Geographic Implementation Unit